

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 19, 2005 Division: Growth Management

Bulk Item: Yes ☐ No ☒ Department: Planning and Environmental Res.

Staff Contact Person: Ronda Norman & Jerry D. Sanders, Esq.

AGENDA ITEM WORDING:

A public hearing on an Ordinance to (i) adjust the maximum sales price for an affordable housing unit based on number of bedrooms, (ii) increase the allowed maximum net density for affordable and employee housing on land zoned Suburban Commercial from 15 to 18 units per acre, and (iii) allow the exclusion of affordable and employee housing units and these units' floor area from calculations of the maximum developable non-residential floor area allowed for a given parcel.

(Only one public hearing required)

ITEM BACKGROUND:

This is a Planning Department-sponsored amendment that follows up Workforce Housing Task Force recommendations. The Development Review Committee on March 7, 2006 and the Planning Commission on March 22, 2006 held public hearings on this matter and recommended approval of the amendments.

PREVIOUS RELEVANT BOCC ACTION:

These Workforce Housing Task Force recommendations were conceptually approved and directions given to staff by the BOCC on February 15, 2006, pursuant to Resolution Nos. 093-2006 and 096-2006.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A **BUDGETED:** Yes ☐ No ☐

COST TO COUNTY: N/A **SOURCE OF FUNDS:** _____

REVENUE PRODUCING: Yes ☐ No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty ☒ OMB/Purchasing ☐ Risk Management ☐

DIVISION DIRECTOR APPROVAL:



Ronda Norman

DOCUMENTATION: Included ☒ Not Required ☐

DISPOSITION: _____ **AGENDA ITEM #** _____

ORDINANCE NO. ____ - 2006

**AN ORDINANCE OF THE MONROE COUNTY BOARD OF
COUNTY COMMISSIONERS AMENDING THE EXISTING
DEFINITION FOR MAXIMUM SALES PRICE OF AN
AFFORDABLE HOUSING UNIT (Sec. 9.5-4); AMENDING
AFFORDABLE AND EMPLOYEE HOUSING PROVISIONS (Sec.
9.5-266); PROVIDING FOR SEVERABILITY AND REPEAL OF
INCONSISTENT PROVISIONS; AMENDING AND/OR ADDING
FOR CONSISTENCY PURPOSES RELATED PROVISIONS;
PROVIDING EFFECTIVE DATE; PROVIDING FOR
INCORPORATION IN THE MONROE COUNTY CODE OF
ORDINANCES**

WHEREAS, the Board of County Commissioners has considered the comments of the public, recommendations of the Planning Commission, recommendations of staff and the Workforce Housing Task Force and its counsel, and other matters, and;

WHEREAS, the Board of County Commissioners therefore makes the following Findings of Fact:

1. The lack of sufficient affordable housing opportunities for the local workforce creates serious risks to the local economy.
2. There is limited land area suitable for residential development remaining in the County.
3. There is a current unmet need of about 7,317 affordable units in the County.
4. These amendments to the land development regulations recognize the need for additional detail and comprehensiveness in addressing housing needs in Monroe County, based upon, among other factors, new issues, including accelerated conversion of existing affordable housing stock, increased housing pressures due to housing loss caused by Hurricane Wilma, and the changed projections and assumptions regarding resulting demographic trends.
5. The current code sets only a single sale price for an affordable housing unit which fails to recognize the differing costs associated with newly developed affordable housing units based upon the number of bedrooms they contain, thereby providing no incentive for developers to create units of greater than the smallest-size units.
6. The terms "affordable housing" and "employee housing", while differently defined in the Land Development Regulations, both require compliance with provisions relating to affordable housing. Most "affordable housing" in the County, even in cases where the housing units are not formally restricted as "employee housing", nonetheless serves as "employee housing" for persons earning their incomes from gainful employment in Monroe County. Therefore, density incentives for both affordable and

employee housing in the SC land use district serve the County's housing needs.

7. The proposed amendments to the Land Development Regulations are consistent with and further goals, objectives and policies of the Year 2010 Comprehensive Plan.

8. Allowing these amendments will provide incentives for the creation of more and diverse types of affordable housing, is a legitimate state interest and is necessary to implement Goal 601 of the plan (e.g., Policy 601.1.12; Objectives 601.2 and 601.6).

9. These amendments to the land development regulations specifically further Fla. Stat. § 163.3202(3) by implementing innovative land development regulation provisions such as transfer of development rights, incentive and inclusionary housing.

10. These amendments to the land development regulations are necessary to ensure that, despite the limited availability of developable lands, the County's existing and future housing stock includes adequate affordable housing opportunities.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THE FOLLOWING: That the preceding findings support its decision to approve the amendments to the Land Development Regulations of the Monroe County Code as provided herein:

Section 1.

Amend Sec. 9.5-4(M-6.2) as follows:

(M-6.2) *Maximum sales price, owner occupied affordable housing unit* shall mean a price not exceeding three and three-quarters (3.75) times the annual median household income for Monroe County for a one (1) bedroom or efficiency unit, four and one-quarter (4.25) times the annual median household income for Monroe County for a two (2) bedroom unit, and four and three-quarters (4.75) times the annual median household income for Monroe County for a three (3) or more bedroom unit.

Section 2.

Amend Sec. 9.5-266(a)(1)b. as follows:

(a) *Affordable and employee housing:*

(1) Notwithstanding the density limitations in section 9.5-262, the owner of a parcel of land shall be entitled to:

b. Develop affordable and employee housing as defined in section 9.5-4(A-5) and (E-1) on parcels of land classified as Suburban Commercial (SC) at an intensity up to a maximum net residential density of eighteen (18) dwelling units per acre and on parcels of land classified as Urban Residential (UR) at an intensity up to a maximum net residential density of twenty-five (25) dwelling units per acre.

Section 3.

Amend Sec. 9.5-266(a)(5) to read as follows:

(a) *Affordable and employee housing:*

(5) Notwithstanding the provisions of sections 9.5-261 through 9.5-270, when calculating density, any existing lawfully established or proposed affordable or employee housing on a parcel and the floor area thereof shall be excluded from the calculation of the total gross nonresidential floor area development that may be lawfully established on the parcel, however, the total residential density allowed on the site shall not exceed maximum net density for affordable and employee housing.

Section 4. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 5. Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

Section 6. Transmittal

This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs to determine the consistency of this ordinance with the Florida Statutes and as required by F.S. 380.0(6) and (11).

Section 7. Filing

This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 8. Effective Date.

This ordinance shall become effective as provided by law and stated above. Where Comprehensive Plan amendments may be required in order for any part of this ordinance to be deemed consistent with the Comprehensive Plan, the effective date of such part

shall be as of the effective date of the required Comprehensive Plan amendment and as otherwise required by law.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 19th day of April, 2006.

Mayor Charles "Sonny" McCoy	_____
Mayor Pro Tem Murray Nelson	_____
Commissioner Dixie Spehar	_____
Commissioner George Neugent	_____
Commissioner David Rice	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

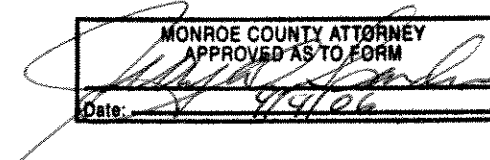
BY: _____
Mayor Charles "Sonny" McCoy

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

Deputy Clerk

APPROVED AS TO FORM:

County Attorney


MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 4/19/06

Jerry Coleman, Esq.
John C. Rockwell, Esq. (FL only)
Email: jerrycolemanpl@bellsouth.net
jrockwellesq@bellsouth.net

JERRY COLEMAN, P.L.
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(Admitted Florida and New York)

Truman Annex
Building 21 Second Floor
Tel: 305-292-3095
Fax: 305-296-6200

MEMORANDUM (STAFF REPORT)

TO: Monroe County Board of County Commissioners

FROM: Jerry Coleman

DATE: April 3, 2006

MEETING DATE: April 19, 2006

RE: REVISIONS TO MONROE COUNTY LAND DEVELOPMENT REGULATIONS, SECTIONS 9.5-4 and 9.5-266 – Maximum Sales Prices for Affordable Housing Owner-Occupied Units Based Upon Number of Bedrooms; Increasing the Allowable Density in the Sub-Urban Commercial Land Use District for Affordable/Employee Housing

I. BACKGROUND

This memorandum/staff report draws from that presented along with the proposed ordinance as presented to and approved by the Monroe County Planning Commission at its regularly scheduled meeting on March 22, 2006 in Key Largo. The proposed amendments to Sections 9.5-4 and 9.5-266 of the Monroe County Land Development Regulations will (i) adjust the maximum sales price for an affordable housing unit based on number of bedrooms, (ii) increase the allowed maximum net density for affordable and employee housing on land zoned Suburban Commercial from 15 to 18 units per acre, and (iii) allow the exclusion of affordable and employee housing units and these units' floor area from calculations of the maximum developable lawfully established non-residential floor area allowed for a given parcel. Adjustment to the maximum allowable sales price for affordable units based upon number of bedrooms was discussed at the Workforce Housing Task Force special workshop meetings held with the Board of County Commissioners, on February 10, 2006, and the Planning Commission on March 8, 2006. The Board approved the recommendation for these changes at its regularly scheduled meeting in Key Largo on February 15, 2006. These changes are consistent with similar changes being made to Section 9.5-262 in a companion proposed amendment to the LDRs.

II. SUMMARY

The proposed changes are as follows:

1. Adjust the maximum sales price based on number of bedrooms for owner occupied affordable housing:

The current code §9.5-4 currently provides for a maximum sales price of 4.25 times the annual median household income for Monroe County. Under the amended ordinance, the sales price for a two (2) bedroom unit will remain 4.25 times the annual median household income, while a maximum sales price of 3.75 times the annual median household income will be permitted for a one (1) bedroom or efficiency unit, and a maximum sales price of 4.75 times the annual median household income will be permitted for units with three (3) or more bedrooms.

2. Increase the number of employee housing units allowed in SC designated districts:

The current code §9.5-266(a)(1) provides a maximum net residential density of up to 15 dwelling units per acre for land classified as SC. The amended ordinance allows for up to 18 dwelling units per acre for land classified as SC.

3. Allow the calculation of allowable lawfully established non-residential floor area on a parcel of land to be made without reduction for lawfully established affordable and employee housing units:

The current ordinance only allows some or all of any lawfully established nonresidential floor area situated on a parcel of at least one acre to be excluded from the calculation of the total gross development allowed on a parcel. This amendment will allow for the creation of affordable and employee housing units on a given parcel without a reduction of non-residential development that is otherwise allowed.

III. FINDINGS OF FACT

1. Staff finds that the proposed changes are consistent with Section 9.5-511(d)(5)b.(i), (ii), (iv) and (v); to wit, “changed projections”, “changed assumptions”, “new issues” and “recognition of a need for additional detail or comprehensiveness”.
2. Staff finds the amendment consistent with the goals, objectives, and policies of the Monroe County Year 2010 Comprehensive Plan.
3. Staff finds the amendment consistent with F.A.C. Chapters 9J-5, Florida Statutes, Chapter 163, and The Principles for Guiding Development.

IV. PROPOSED TEXT CHANGE

Please see attached Ordinance.

V. RECOMMENDED ACTION

Based on the Findings of Fact, the Planning Commission, Planning Department Staff and Workforce Housing Task Force counsel recommend **APPROVAL** of the proposed text changes to Sections 9.5-4 and 9.5-266 of the Monroe County Land Development Regulations. Workforce Housing Task Force counsel and the County Attorney's office have reviewed the ordinance for legal sufficiency.

PLANNING COMMISSION RESOLUTION NO. P14-06

A RESOLUTION RECOMMENDING THAT THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPT AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS AMENDING THE EXISTING DEFINITION FOR MAXIMUM SALES PRICE OF AN AFFORDABLE HOUSING UNIT (Sec. 9.5-4); AMENDING AFFORDABLE AND EMPLOYEE HOUSING PROVISIONS (Sec. 9.5-266); AMENDING AND/OR ADDING FOR CONSISTENCY PURPOSES RELATED PROVISIONS; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISIONS; PROVIDING EFFECTIVE DATE; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE OF ORDINANCES

WHEREAS, the Monroe County Planning Commission during a public hearing held on March 22, 2006 reviewed and considered the proposed amendments to the Land Development Regulations to (i) adjust the maximum sales price for an affordable housing unit based on number of bedrooms, (ii) increase the allowed maximum net density for affordable and employee housing on land zoned Suburban Commercial from 15 to 18 units per acre, and (iii) allow the exclusion of affordable and employee housing units and these units' floor area from calculations of the maximum developable non-residential floor area allowed for a given parcel, a copy of these proposed amendments being attached hereto; and

WHEREAS, the lack of sufficient affordable housing opportunities for the local workforce creates serious risks to the local economy; and

WHEREAS, due to state-imposed requirements related to hurricane evacuation standards, there are a limited number of residential building permits available on an annual basis; and

WHEREAS, there is limited land area suitable for residential development remaining in the County; and

WHEREAS, there is a current unmet need of about 7,317 affordable units in the County; and

WHEREAS, these amendments to the land development regulations recognize the need for additional detail and comprehensiveness in addressing housing needs in Monroe County, based upon, among other factors, new issues, including accelerated conversion of existing affordable housing stock, increased housing pressures due to housing loss caused by Hurricane Wilma, and the changed projections and assumptions regarding resulting demographic trends; and

WHEREAS, the current code sets only a single sale price for an affordable housing unit which fails to recognize the differing costs associated with newly developed affordable housing units based upon the number of bedrooms they contain, thereby providing no incentive for developers to create units of greater than the smallest-size

units; and

WHEREAS, the terms “affordable housing” and “employee housing”, while differently defined in the Land Development Regulations, both require compliance with provisions relating to affordable housing. Most “affordable housing” in the County also serves as “employee housing”, even in cases where the housing units are not formally restricted as “employee housing” for persons earning their incomes from gainful employment in Monroe County. Therefore, density incentives for both affordable and employee housing in the SC land use district serve the County’s housing needs; and

WHEREAS, allowing these amendments will provide incentives for the creation of more and diverse types of affordable housing, is a legitimate state interest and is necessary to implement Goal 601 of the plan (e.g., Policy 601.1.12; Objectives 601.2 and 601.6); and

WHEREAS, during a regularly scheduled meeting held on March 7, 2006, the Development Review Committee, after review and discussion with Workforce Housing Task Force counsel, recommended approval of the proposed amendment to the Planning Commission; and

WHEREAS, the Planning Commission has reviewed the proposed amendments to the Land Development Regulations recommended by the Development Review Committee and presented on behalf of the Workforce Housing Task Force by its counsel at the public hearing on March 22, 2006 in Key Largo and staff reports, and heard public comment, if any; and

WHEREAS, the Planning Commission finds the proposed amendments are consistent with and further the goals, objectives and policies of the Year 2010 Comprehensive Plan;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, to recommend **APPROVAL** to the Board of County Commissioners of the amendments to the Land Development Regulations as follows:

Section 1. The proposed amendments to the Land Development Regulations are consistent with and further goals, objectives and policies of the Year 2010 Comprehensive Plan.

Section 2.

Amend Sec. 9.5-4(M-6.2) as follows:

(M-6.2) *Maximum sales price, owner occupied affordable housing unit* shall mean a price not exceeding three and three-quarters (3.75) times the annual median household income for Monroe County for a one (1) bedroom or efficiency unit, four and one-quarter (4.25) times the annual median household income for Monroe County for a two (2) bedroom unit, and four and three-quarters (4.75) times the annual median household income for Monroe County for a three (3) or more bedroom unit.

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(a) *Affordable and employee housing:*

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b. Develop affordable and employee housing as defined in section 9.5-4(A-5) and (E-1) on parcels of land classified as Suburban Commercial (SC) at an intensity up to a maximum net residential density of eighteen (18) dwelling units per acre and on parcels of land classified as Urban Residential (UR) at an intensity up to a maximum net residential density of twenty-five (25) dwelling units per acre.

Section 4.

Amend Sec. 9.5-266 (a)(5) to read as follows:

(a) *Affordable and employee housing:*

(5) Notwithstanding the provisions of sections 9.5-261 through 9.5-270, any affordable or employee housing lawfully established on a parcel and the floor area thereof shall be excluded from the calculation of the total gross nonresidential floor area development that may be lawfully established on the parcel.

Section 5. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

Section 7. Effective Date.

This ordinance shall become effective as provided by law. Where Comprehensive Plan amendments may be required in order for any part of this ordinance to be deemed consistent with the Comprehensive Plan, the effective date of such part shall be as of the effective date of the required Comprehensive Plan amendment and as otherwise required by law.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida at a regular meeting held on the 22nd day of March 2006.

Chair James D. Cameron	<u>YES</u>
Vice Chair Julio Margalli	<u>ABSENT</u>
Commissioner Randy Wall	<u>YES</u>
Commissioner Michelle Cates Deal	<u>ABSENT</u>
Commissioner Sherry Popham	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By _____
James D. Cameron, Chair

Signed this _____ day of March/April, 2006